

Urinalysis Testing and Command Options

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Urinalysis Types

- Command-directed
- Random Urinalysis
- Probable Cause
- Consent
- Incident to Medical Care

Command-directed

- Grounds:
 - When there is a “reasonable suspicion” member is using drugs currently
 - reasonable suspicion is ordinary and rational belief based on facts or circumstances
 - less than probable cause
 - aberrant, bizarre, unusual or unlawful behavior suggesting drugs

Random Urinalysis

- Commander's program
- AFI 44-120
- Most commonly - drill testing
- AGRs tested annually
- Unit Sweep

Probable Cause

- Commander orders if “reasonable belief” that illegal drugs will be found in the member’s urine or will reveal evidence of a crime
- Must be ordered by commander (or military magistrate)

Consent

- Commander may always ask a member to consent to urinalysis testing
- Consent must be VOLUNTARY
- Member must be told of right to refuse
 - Best to obtain in writing
- Best if probable cause/AF Form 1176 signed
 - reason: in case of invalidation on one ground, have a second justification

Incident to Medical Care

- May test a specimen collected for valid medical purpose
 - example - annual physical

Command Options/Positive UA

- Command-directed Urinalysis
 - Administrative action
 - Positive test may NOT be used to characterize discharge (honorable or UOTHC)
- Member has every incentive to take it to a board in hopes of obtaining an honorable
- Lesson: don't offer a UOTHC unless independent grounds exist for one

Command Options/Positive UA

- Random Urinalysis (including results of unit sweep)
 - May be used for administrative action
 - May use results to characterize discharge
- Lesson: Random testing gives more flexibility regarding characterization of discharge

Command Options/Positive UA

- Probable Cause Urinalysis
 - may be used for administrative action
 - may be used to characterize discharge

Command Options/Positive UA

- Consent Urinalysis
 - may be used for administrative action
 - may be used to characterize discharge

Command Options/Positive UA

- Incident to Medical Care
Urinalysis
 - may be used for administrative action
 - may be used to characterize
discharge

COMMON PITFALLS

- FAILURE TO INTERROGATE
- FAILURE TO READ RIGHTS
PRIOR TO INTERROGATION
- FAILURE TO EXPLAIN
CONSEQUENCES OF
COMMANDER-DIRECTED TEST
VS. CONSENT IF ASKED

QUESTIONS/COMMENTS
/
CONFUSION?

